

Customer No. 35745

Docket No.:100405-16370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Massey et al.
Serial No: 10/007,526
-Filed: December 5, 2001

Group Art Unit: Ceperley, Mary

Examiner: 1641

Title: GRAPHIC NANOTUBES IN LUMINESCENCE ASSAYS

Director of the United States Patent and
Trademark Office
Deposit Accounts
One Crystal Drive
Suite 307
Arlington, VA 22202

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Director of the United States Patent and Trademark Office, Deposit Accounts, One Crystal Drive, Suite 307, Arlington, VA 22202 on August 3, 2005.

Signature: 

Aaron S. Haleva, Reg. No. 44,733

Sir:

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26(b)

Applicants hereby request a refund to Deposit Account No. 05-0540 in the sum of \$570.00 which Applicants had erroneously paid (via deposit account) on June 5, 2005 when they filed a Notice of Appeal in the above-entitled patent application. A copy of the Notice of Appeal with the request to deduct the said \$570.00 from the deposit account is attached hereto. The genesis of this mistake is as follows.

A Final Office Action issued in this application on January 5, 2005. Applicants responded with an Amendment After Final Rejection on May 5, 2005 and a Request for a Two Month Extension of Time where they paid a two-month extension fee, even though it was only one month from the statutory deadline for response of April 5, 2005 (a copy of the Request for Extension of Time is also attached hereto). A Notice of Appeal was then submitted on June 6, 2005, with which a third-month extension fee of an additional \$570.00 was paid. However,

because June 6, 2005 (June 5 was a Saturday) was only two months from the statutory deadline of April 5, 2005, no third month extension was needed at all. The genesis of the error is that Applicants had the mistaken impression in filing the Amendment After Final Rejection and the Notice of Appeal (as is erroneously recited in each of those papers) that the Final Office Action had issued on December 5, 2004, when in reality it had issued on January 5, 2005.

Accordingly, Applicants respectfully request a refund to Deposit Account 05-0540 in the amount of the \$570.00 overpayment.

Respectfully submitted,

Dated: August 3, 2005

By: 

Aaron S. Haleva
Reg. No. 44,733
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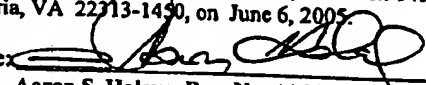
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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 6, 2005.
Signature: 
Aaron S. Haleva, Reg. No. 44,733

Sir:

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Final Office Action mailed December 5, 2005, rejecting claims 19-41.

A Request for Two-Month Extension was filed concurrently with submission of the Amendment After Final Rejection, along with the required fee of \$450.00 for a large entity. As this Notice of Appeal is being submitted on June 6 (June 5 was a Sunday), a third-month extension is thus requested. Accordingly, please deduct \$570.00 (being the difference of the

three-month extension fee of \$1,020.00 and the two-month extension fee of \$450.00 previously paid) from Deposit Account No. 05-0540. A duplicate copy of this Notice is enclosed.

Respectfully submitted,

Dated: June 6, 2005

By: 

Aaron S. Haleva
Reg. No. 44,733
KRAMER, LEVIN, NAFTALIS &
FRANKEL
1177 Ave. of the Americas
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Customer No. 35745

Attorney Docket No. 00405-16370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filed: December 5, 2001

Examiner: Ceperley, Mary

Group Art Unit: 1641

For: GRAPHITIC NANOTUBES IN LUMINESCENCE ASSAYS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: May 5, 2005

Signature: 

Aaron Haleva

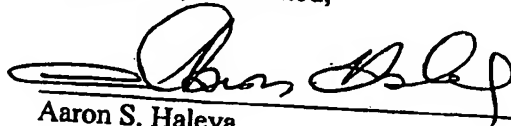
REQUEST FOR EXTENSION OF TIME

Sir:

Applicants respectfully request a two month extension of time to reply to the Office Action mailed on December 5, 2004. This two month extension extends the period for response to May 5, 2005. Accordingly, this response is being timely filed. Please charge a two-month extension fee of \$450.00 for a large entity to Deposit Account No. 05-0540. No other fees are believed due. Please charge any additional fees due, and credit any overpayments to Deposit Account No. 05-0540. A duplicate copy of this Request for Extension of Time is provided herewith.

Dated: May 5, 2005

Respectfully submitted,



Aaron S. Haleva

Reg. No. 44,733

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Adjustment date: 10/20/2005 EEKUBAY1
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